

Using Outcome Information to Assess  
which Service Delivery Method Is Most  
Appropriate for Individual Clients

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Joan Kleinberg  
Director of CLEAR and Private Bar Development  
Northwest Justice Project, Seattle, WA

## Executive Summary

This paper examines the ways in which outcome information can be used in determining the most appropriate service delivery method for an individual client. It discusses both the beneficial and troubling aspects of using outcome information that correlates service delivery method with client and case-type information. It draws on information gathered in the 2002 Hotline Outcomes Assessment Study commissioned by the Project for the Future of Equal Justice in which the authors identified client and case-type characteristics that correlated with the quality of the outcome. The paper assumes the use of outcome information in a resource-scarce environment where services must be rationed and programs need to craft systems to allocate available resources to result in the efficient and effective delivery of services. The author concludes that the use of outcome information can support efficiencies in the delivery of services but that in a resource-scarce system, the logical consequence of the use of outcome information to determine the most appropriate delivery method is that the provision of advice for pro se action may not be a good use of advocates' time in certain instances, a conclusion that is at odds with the underlying goals and values of many legal services advocates and programs.

## **Introduction**

This paper addresses the assigned topic of the use of outcome information to assess which delivery method is most appropriate for individual clients. The author is currently the director of a statewide “hotline” and that experience informs her current thinking although the issue has relevance for any program. The thesis of this paper is that use of outcome information to determine the appropriate delivery method can promote program efficiency, however it can also raise troubling issues in the resource-scarce environment in which most, if not all, legal services programs operate today. This paper assumes that there are not sufficient program resources to provide representation to all clients seeking and needing such assistance and that legal services programs therefore must identify rational methods for allocating service. Collecting data in a way that permits correlation of outcomes with specific delivery methods and with client and case-type characteristics allows programs to incorporate significant additional information into the process of determining how services will be apportioned. Yet the logical consequence of using outcome information to determine the appropriate service delivery method to achieve effective and efficient service with scarce resources may be a determination that certain clients should receive little service at all, a conclusion that runs counter to the soul of the legal services community.

## **How outcome information can be used to assess service delivery mechanism**

The use of outcome information to determine the appropriate service delivery method is a time-honored mechanism. The Urban Institute found that it has long been a common practice of health and human service workers to make informal use of outcome information to affect the type and amount of assistance provided.<sup>1</sup> In the legal services arena, the Hotline Outcomes Assessment Study, Phase III, commissioned by the Project for the Future of Equal Justice “PFEJ”, (hereafter referred to as “Outcomes Study”) is the largest, cross-program outcome study available.<sup>2</sup> In this study researchers interviewed over 2,000 clients three to six months after they received service from one of five hotlines. All of the clients had received advice or brief service but not full representation. While this study was limited to clients served solely by a “hotline” model, it likely provides useful information about the outcome of cases in any model where clients may receive limited legal assistance. The authors of the Outcomes Study correlated outcomes with client and case characteristics and recommended that programs use that information to make service delivery decisions. Key findings of the Outcomes Study regarding client and case characteristics are:<sup>3</sup>

**Outcomes for housing and consumer cases are most apt to be rated favorably, while family cases are most apt to be pending.** Housing and consumer cases had the highest rate

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<sup>1</sup> “Making Use of Outcome Information for Improving Services: *Recommendations for Nonprofit Organizations*,” Elaine Morley, Harry Hatry, Jake Cowan, page 35.

[http://www.urban.org/UploadedPDF/310572\\_OutcomeInformation.pdf](http://www.urban.org/UploadedPDF/310572_OutcomeInformation.pdf)

<sup>2</sup> “Hotline Outcomes Assessment Study,” Project for the Future of Equal Justice  
[http://www.clasp.org/DMS/Documents/1037814145.6/Hotline\\_Phase3.pdf](http://www.clasp.org/DMS/Documents/1037814145.6/Hotline_Phase3.pdf)

<sup>3</sup> Ibid, pages i-ii

of favorable outcomes, while family cases were lowest with many still pending when clients were interviewed. The findings for housing cases may reflect the fact that many unsuccessful housing clients had moved and were not reachable for an interview.

**Hotline clients with the best and worst case results had distinct demographic characteristics.** Clients with outcomes that were rated most favorably were significantly more likely to be white, English-speaking, educated at least to the eighth-grade level, and have a marital status other than being separated from a spouse. Clients who received the least favorable outcomes were Spanish-speaking, Hispanic, individuals with the lowest education levels, those who reported no income, and those who were separated and lived apart from their spouse.

**Many clients face barriers that may affect their ability to follow through on Hotline advice.** Many Hotline callers disclosed problems that may affect their ability to handle their legal problem such as: a family disability or a serious health problem; serious transportation problems; depression or fear of an ex-partner or current household member; inflexible work, school, or daycare schedules; or problems reading or speaking English well enough to complete forms and other legal paperwork. While clients with disabilities fared no worse than the average, the other barriers listed above were associated with outcomes that were significantly less favorable.

Relevant report recommendations are:<sup>4</sup>

**Hotlines should recognize that certain demographic groups are particularly less likely to obtain favorable outcomes.** Non-English speakers, individuals at the lowest education levels, and those who report no income perform significantly worse than other demographic sub-groups, chiefly because they appear not to understand the advice they are given. Hotlines should develop special protocols for dealing with these clients, possibly including increased support or more extended services.

**Hotlines should screen callers for certain barriers that are associated with unfavorable outcomes.** Clients who, when asked a specific question, report having a less than eighth-grade education or problems with transportation, reading, or comprehending English, scheduling (work, daycare, or other), stress, fear of an ex-partner or other personal factors affecting their ability to resolve their problems are less likely to obtain a successful outcome. Hotlines should routinely screen for these barriers, which is likely to require special attention during intake, since the PFEJ lawyers noted that most of these barriers could not be discerned from existing case files. Hotlines should develop protocols for dealing with these clients, possibly including increased support or more extended services.

**Hotlines should institute or improve follow-up procedures.** Hotlines would do well to institute tickler systems flagging cases for a callback to check on the client's progress. Cases that should be flagged are those in which the problem is particularly likely to have serious

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<sup>4</sup> Ibid, page 68-69

consequences for the client. Especially important are those in which one of the following factors is present:

- The recommended action is one where clients are less likely to obtain a favorable outcome representing self in court; dealing with a government agency; obtaining legal assistance from another provider or help from a social services agency
- The client falls into one of the demographic categories identified above that are less likely to obtain a favorable outcome
- The client reports one of the barriers described above as associated with a reduced likelihood of obtaining a favorable outcome.

Taking the findings of the Outcomes Study as a starting place, the Northwest Justice Project (NJP) obtained a grant from the Administration on Aging (AoA) to test ways to implement the recommendations of the Hotline Outcomes Assessment Study to improve favorable outcomes for seniors served under the grant by 20% over the level obtained in the previous grant period. Our ongoing work under that grant is based on a survey of all 2003 clients with high priority problems who had been counseled to undertake a series of actions to address their legal problems. We learned that among the people who had not taken the actions recommended, reasons included: feeling overwhelmed, helpless or depressed; cost; lack of time; and fear or intimidation. These factors will be considered in service delivery decisions, but will be difficult to identify and address in determining the appropriate service delivery mechanism. Another of the measures undertaken in the AoA grant to improve outcomes is to identify the existence of the factors that might impact a client's ability to follow through on legal advice. To that end, NJP is developing a functional capacity assessment tool with the assistance of a clinical social worker and a clinical psychologist, both of whom work with elderly populations. This tool will enable advocates to make more sophisticated and reliable determinations as to whether an individual client is likely to proceed successfully *pro se*, or whether it is necessary for the advocate to perform brief service, offer significant follow-up support or make heroic efforts to refer the case for extended representation. Even knowing that certain clients will likely not obtain favorable outcomes *pro se*, and even with the benefit of this assessment tool to help identify those clients, NJP will not have the resources to provide the type of assistance identified by the outcome information for every client.

Legal Services Corporation-funded programs define case-type priorities to help target services to the most compelling cases. Frequently these priorities are articulated in terms of legal problem types. Integration of outcome information into a statement of priorities might include characteristics of the client as well as the commonly used characteristics of the case. Among cases receiving limited assistance, outcome information can be used to determine the level of limited assistance provided, for example, advice only or advice with advice letter or with follow-up by the program. Where limited assistance is provided, programs will need to examine ultimate outcomes to determine when that assistance results in resolution of the problem and adjust its approach accordingly.

**Beneficial Aspects of Using Outcome Information to Assess which Service Delivery Method Is Most Appropriate**

**Outcome information can help programs choose how to serve a client:** The Hotline Outcomes Assessment Study found that there were three factors that impacted how well a person fared in implementing advice about how to proceed *pro se*: demographic characteristics, legal problem type and characteristics of the opposing party. People who were limited English proficient, had no income, or had low educational attainment or problems reading were less likely to understand the information given by the legal services program. People who had transportation problems, scheduling problems, stress or other personal factors were less likely to take the steps recommended. People who attempted to resolve a consumer or housing issue had a higher rate of favorable outcomes than people with family law problems. Cases where the opposing party was a private party had a much higher rate of successful outcomes than cases where the opposing party was a government agency. Furthermore, people who had to address the problem in court had a lower rate of favorable outcomes than those who had to act in a non-judicial setting. Combining all of these factors with case type information, a program can assess the likelihood of the person obtaining a favorable outcome *pro se* and make a case acceptance decision based on that assessment.

**Outcome information can help programs make resource allocation decisions:** The use of outcome information to determine the most appropriate delivery method arises in the context of the distribution of scarce resources. Most programs offer services along a continuum from information to representation. A variety of mechanisms are used to determine what service along that continuum each eligible applicant for service receives. The use of outcome information may be a useful tool in determining the level of service provided to individual applicants and the target balance between advice/brief service and extended representation. It may also be useful in determining the level of resources to devote to services provided directly by advocates as opposed to technological solutions that can serve many people but with varying degrees of effectiveness. For example, understanding the number of people who are able to resolve a legal problem with technological service only (if it is possible to even measure) may help a program choose whether to invest further resources in technological service or in advocates.

**Outcome information can help programs clarify program goals:** In order to use outcome information to determine the appropriate delivery method, a program must clarify its goals in so it can evaluate the data gathered in the outcomes measurement system and know what a “good” outcome is. For example, the literature on outcome measurement mentions a number of possible outcomes a program could measure, including client feelings, client knowledge and client condition after service. A program can gather data regarding the client’s satisfaction with the service, the state of the client’s knowledge about the law and legal problem after service and the substantive outcome of the legal problem following service, such as preservation of a subsidized housing tenancy. If the goal is satisfied clients, a client who expresses satisfaction with service but who does not maintain her tenancy, would have achieved a favorable outcome. If the goal is improved knowledge, a client who has learned that she has a right to a hearing and a right to have her disability accommodated by the public housing authority will have achieved a favorable outcome, even if the tenancy is not preserved. If, however, the goal is to preserve subsidized housing tenancies and avoid homelessness, the client in either of the two preceding examples would not have achieved a favorable outcome – the client would have to have requested and

received an accommodation that permits her to maintain her tenancy in order to have achieved a substantively favorable outcome. Each of these outcomes is among the types contemplated in the outcomes measurement literature, yet based on which is chosen, a case with similar facts can be assessed to be have either a favorable or unfavorable outcome. Use of a system to collect outcomes data for use in determining an appropriate service delivery method, therefore, requires a program to articulate its service values and goals.

**Outcome information can help programs identify training or resource needs:** The ability to analyze data that correlates outcomes with specific client and case characteristics and delivery methods can help a program identify training needs within the program. For example, if a program determines that outcomes are consistently less favorable than desired for a particular type of service or client group, and understands why, the program might consider whether outcomes for a particular service level could be improved by providing additional training or practice resources to the staff.

**Outcome information can help programs engage in strategic planning:** Aggregated information about what service delivery method works best with particular client characteristics and case types is information that can inform strategic directions for a program. If the data reveals that a particular type or level of service is NOT making a difference for a particular type of client or problem, the program might choose to adjust its service distribution scheme to address this problem.

**Outcome information can help programs identify best practices:** Correlating data on case outcomes with data on client and case characteristics and delivery method can result in identification of practices that are particularly effective in achieving desired outcomes.

### **Troubling Aspects of Using Outcome Information to Assess which Service Delivery Method Is Most Appropriate**

In a legal services delivery system with adequate resources, there would be a sufficient level of services available at each place along a service continuum. Services would range from assistance delivered through technological means to representation for the duration of a proceeding. Unfortunately, our system lacks sufficient resources to match each client with the level and type of service he or she needs and we must, therefore ration our resources according to the fairest, most efficient and effective scheme we can devise. Using outcome information to assess which service delivery method is most appropriate in which circumstance can contribute to that scheme. But it poses a difficult problem. Knowing that outcome data shows that clients possessing certain characteristics fare poorly in *pro se* resolution of their problems, we might determine that the logical and fairest solution would be to provide any such client with representation rather than with advice or brief service. All too often, however, representation is not available due to limited resources. Thus, our choices for that client are in fact limited to advice or brief service, and, in our current environment, even those services may need to be rationed.

At NJP our hotline provides both advice and brief service, but we are judicious in the selection of cases for brief service because the hotline staff could easily become overwhelmed with all of the cases meriting brief service. Thus, the conundrum: we are mandated to provide effective and efficient service; outcome measurement is about defining goals and determining if we made a difference. Where outcome data tells us that an individual client is not likely to be successful proceeding *pro se*, is it an efficient and effective use of scarce resources to advise that client about the steps necessary to resolve the problem *pro se*? Would we make the difference that we, through definition of our goals and values, want to make? The wartime medical model of triage would tell us to move on to the next client and not spend time with a client who is most unlikely to be able to implement advice given to resolve his or her legal problem. Using outcome information in this way, however, might mean that services are disproportionately provided to white, English-speaking, educated clients who are not separated from a spouse. Legal services advocates would be loath to write off an individual client's likelihood of succeeding *pro se* based on generalizations derived from outcome information, much less to provide a disproportionately large amount of service to those who are least vulnerable. We work from the assumption that everyone deserves to have a basic understanding of his or her legal problem and some idea of how to resolve it, yet this may not be the most efficient and effective use of resources as predicted by outcome information.

## Conclusion

The use of outcome information to determine the most appropriate service delivery method for an individual client is helpful if there are resources available to provide the level of service appropriate for the individual client. In an environment of scarce resources, however, where the only assistance available may be *pro se* tools or advice, the use of outcome information tells us we should do what we don't want to do and, frankly, will not do – write off certain clients because they possess characteristics that have been shown by outcome data to result in poor outcomes when the only service available is advice. Conversely, a program might find it similarly problematic to concentrate resources on those people who are most vulnerable, severely reducing services to those who appear to be more capable of implementing advice. The possible consequence of using outcome information to determine service delivery method raises questions not only about how services are rationed in individual programs and offices, but also about the “full access” concept of providing “something for everyone.” Clearly members of the legal services community have varied opinions about the use of outcome measurements for all the purposes to which they may be applied. If the logical consequence of the use of outcome information in determining appropriate service delivery mechanisms is a service distribution system that writes off certain groups when representation is not available, we must honestly address it and debate that possibility before we can move forward.